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Rules, Regulations, Orders

TITLE 16—COMMERCIAL PRACTICES FEDERAL TRADE COMMISSION

[Docket No. 3062]

IN THE MATTER OF J. PALAZZOLO

SEC. 3.6 (n) (2) *Advertising falsely or misleadingly—Nature—Product.* Representing, in connection with offer, etc., in commerce, of "Otello Water" and "L'Acqua Otello" hair and scalp lotion or preparation, or any other substantially similar preparation, that said preparation is not a dye or is other than a dye, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, J. Palazzolo, Docket 3062, April 19, 1939]

SEC. 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* SEC. 3.6 (x) *Advertising falsely or misleadingly—Results.* Representing, in connection with offer, etc., in commerce, of "Otello Water" and "L'Acqua Otello" hair and scalp lotion or preparation, or any other substantially similar preparation, that use thereof will restore the natural color to the hair, regenerate the hair bulb, restore vitality to the hair or rejuvenate, invigorate or nourish the roots of the hair, or cause a new growth of hair, or cause hair to regrow, or prevent the falling of hair; or that said preparation is a cure or remedy for dandruff or will destroy dandruff; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, J. Palazzolo, Docket 3062, April 19, 1939]

SEC. 3.6 (n) (2) *Advertising falsely or misleadingly—Nature—Product:* SEC. 3.96 (a) (4) *Using misleading name—Goods—Nature.* Representing, in connection with offer, etc., in commerce, of "Otello Water" and "L'Acqua Otello" hair and scalp lotion or preparation, or any other substantially similar preparation, through use of word "water" in trade name of said preparation or in any other

manner, etc., that said preparation is a water, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, J. Palazzolo, Docket 3062, April 19, 1939]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of April, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard¹ by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before John J. Keenan, an examiner of the Commission, theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, briefs filed herein, and oral arguments by Merle Lyon, counsel for the Commission, and by George G. Lake, counsel for the respondent, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Joseph Palazzolo, individually and trading as J. Palazzolo, or under any other name or names, his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as commerce is defined in the Federal Trade Commission Act, of the hair and scalp lotion or preparation now designated by the names "Otello Water" and "L'Acqua Otello", or any other preparation composed of substantially similar ingredients, or possessing substantially similar properties, whether sold under those names or under

¹ 3 F. R. 1800 DL.

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any other names, do forthwith cease and desist from:

- (1) Representing that said preparation is not a dye or is other than a dye;
- (2) Representing that the use of said preparation will restore the natural color to the hair, regenerate the hair bulb, restore vitality to the hair or rejuvenate, invigorate or nourish the roots of the hair;
- (3) Representing that said preparation is a cure or remedy for dandruff or will destroy dandruff;
- (4) Representing that the use of said preparation will cause a new growth of hair, will cause hair to regrow or will prevent the falling of hair;
- (5) Representing through the use of the word "water" in the trade name of said preparation or in any other manner or by any other means or device that said preparation is a water.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-1392; Filed, April 25, 1939; 11:05 a. m.]

[Docket No. 3691]

IN THE MATTER OF CANADIAN CHAMOIS & LEATHER CORPORATION

SEC. 3.6 (n) (2) *Advertising falsely or misleadingly*—*Nature*—*Product*: SEC. 3.66 (d) *Misbranding or mislabeling*—*Nature*: SEC. 3.96 (a) (4) *Using misleading name—Goods—Nature*. Representing, in connection with offer, etc., of leather interlinings for coats and similar garments in commerce, through use of the word "Chamois" in respondent's corporate or trade name or otherwise, or through the use of any words or terms of similar import or meaning, or through any other means or device, or in any other manner, that responder is a manufacturer of leather products made of Chamois, unless said products are in fact made from the skin of the Alpine antelope or Chamois or the oil dressed inner part of a sheep's skin; or using, in aforesaid connection, words "Chamois", "Cham-O-Line" or any other word or words, phrases, terms or names simulating the word "Chamois", alone or in conjunction with any other word or words, in any manner whatever, to describe, designate, or refer to leather products not made as above set forth; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Canadian Chamois & Leather Corporation, Docket 3691, April 18, 1939]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of April, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint to be true, and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Canadian Chamois & Leather Corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of leather interlinings for coats and similar garments in commerce as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, through the use of the word "Chamois" in its corporate or trade name or otherwise, or through the use of any words or terms of similar import or meaning, or through any other means or device, or in any other manner, that respondent is a manufacturer of leather products made of Chamois, unless said products are in fact made from the skin of the Alpine antelope or Chamois or the oil dressed inner part of a sheep's skin;

2. Using the words "Chamois," "Cham-O-Line" or any word or words, phrases, terms or names simulating the word "Chamois," alone or in conjunction with any other word or words, in any manner whatever, to describe, designate, or refer to leather products not made from the skin of the Alpine antelope or Chamois or the oil dressed inner part of a sheep's skin.

It is further ordered, That the said respondent shall, within sixty (60) days from the date of service upon it of this order, file with this Commission a report in writing setting forth the manner and form in which it shall have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-1393; Filed, April 25, 1939; 11:05 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of March, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 2769]

IN THE MATTER OF FASHION ORIGINATORS GUILD OF AMERICA, INC., MICHIGAN AVENUE GUILD OF CHICAGO, MINNEAPOLIS FASHION GUILD, LADIES' READY-TO-WEAR GUILD OF BALTIMORE, INC., NATIONAL FEDERATION OF TEXTILES, INC., AND THEIR RESPECTIVE OFFICERS, DIRECTORS AND MEMBERS

ORDER DELETING PORTION OF ORDER TO CEASE AND DESIST

This matter coming on for hearing by the Federal Trade Commission upon its own motion and it appearing that one prohibition of the order to cease and desist issued herein on February 8, 1939 should be deleted for the reason that there is a lack of substantial evidence establishing the participation of the respondent, National Federation of Textiles, Inc., its officers, directors and members, in certain of the practices charged in the complaint, and the Commission having duly considered the matter and being now fully advised in the premises;

¹ 4 F. R. 1188 DI.

² 4 F. R. 977 DI.

It is ordered, That subsection (a) of that portion of the order to cease and desist issued on February 8, 1939 directed to respondent, National Federation of Textiles, Inc., its officers and directors, and their successors, and its members, be, and the same is hereby, deleted, said subsection (a) appearing on page 8 of the order to cease and desist as mimeographed and reading as follows:

"To refuse to sell their textile products to manufacturers of women's garments who fail or refuse to agree that they will not purchase any of their requirements from textile manufacturers who do not register their designs in the Industrial Design Registration Bureau of the National Federation of Textiles, Inc."

It is further ordered, That the order to cease and desist issued on February 8, 1939, except for the deletion herein directed, remain in full force and effect.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-1394; Filed, April 25, 1939;
11:05 a. m.]

TITLE 19—CUSTOMS DUTIES

BUREAU OF CUSTOMS

[T. D. 49849]

COUNTERVAILING DUTIES ON IMPORTATIONS FROM GERMANY

COLLECTORS OF CUSTOMS AUTHORIZED TO
ACCEPT AND LIQUIDATE ENTRIES COVERING
DUTIABLE IMPORTATIONS FROM GERMANY
IN CERTAIN CIRCUMSTANCES WITHOUT
COLLECTION OF ESTIMATED ADDITIONAL
DUTIES

To Collectors of Customs and Others
Concerned:

With reference to T. D. 49821 of March 18, 1939,¹ giving notice of countervailing duties to be imposed under section 303 of the Tariff Act of 1930 by reason of the payment or bestowal of a bounty or grant upon the exportation of certain goods from Germany, collectors of customs are hereby authorized to disregard the requirements of T. D. 49821 with respect to the deposit of estimated additional duties and the suspension of liquidation pending report of the pertinent facts to the Bureau in the following cases:

- (1) Importations consisting of gifts for the personal use of the donee or of articles purchased at retail for personal use.
- (2) Importations with respect to which the collector of customs concerned is satisfied, in such manner as may hereafter be prescribed by the Commissioner of Customs, that the full purchase price has been paid, or irrevocably and unconditionally secured to be paid, and that

¹ 4 F. R. 1301 DL.

no bounty or grant within the purview of T. D. 49821 has been, or will be, paid or bestowed.

[SEAL] JAMES H. MOYLE,
Commissioner of Customs.

Approved, April 24, 1939.

STEPHEN B. GIBBONS,
Acting Secretary of the Treasury.

[F. R. Doc. 39-1400; Filed, April 25, 1939;
12:29 p. m.]

TITLE 26—INTERNAL REVENUE BUREAU OF INTERNAL REVENUE

[T. D. 4897]

PART 5.—EXCESS PROFITS ON NAVY CONTRACTS

To Officers and Employees of the Treasury Department, the Navy Department, and Others Concerned:

Treasury Decision 4723, approved December 31, 1936, by the Acting Secretary of the Treasury and approved January 6, 1937, by the Acting Secretary of the Navy (C. B. 1937-1, 519), as amended by Treasury Decision 4741, approved June 1, 1937, by the Acting Secretary of the Treasury and approved June 3, 1937, by the Secretary of the Navy (C. B. 1937-1, 531) and as further amended by Treasury Decision 4861, approved September 16, 1938, by the Acting Secretary of the Treasury and approved September 19, 1938, by the Acting Secretary of the Navy (I. R. B. 1938, No. 39, p. 8), (Part 5 of Title 26, Code of Federal Regulations),¹ is further amended as follows:

(1) Article 10 (section 5.10 of Title 26, Code of Federal Regulations), relating to credit for Federal income taxes, is amended to read as follows:

"Credit for Federal income taxes. For the purpose of computing the amount of excess profit to be paid to the United States, a credit is allowable against the excess profit for the amount of Federal income taxes paid or remaining to be paid on the amount of such excess profit. The 'Federal income taxes' in respect of which this credit is allowable include the income taxes imposed by Titles I and IA of the Revenue Act of 1934, Titles I and IA of the Revenue Act of 1936, and Titles I and IA of the Revenue Act of 1938, and the excess-profits taxes imposed by section 702 of the Revenue Act of 1934, section 106 of the Revenue Act of 1935, as amended by section 402 of the Revenue Act of 1936, and section 602 of the Revenue Act of 1938. This credit is allowable for these taxes only to the extent that it is affirmatively shown that they have been finally determined and paid or remain to be paid and that they were imposed upon the excess profit against which the credit is to be made. In case such a credit has been allowed

² 2 F. R. 43, 977; 3 F. R. 2279 DL.

and the amount of Federal income taxes imposed upon the excess profit is redetermined, the credit previously allowed shall be adjusted accordingly."

(2) Article 13 (section 5.13 of Title 26, Code of Federal Regulations) is amended by adding at the end thereof a new paragraph reading as follows:

"All books, records, and original evidences of costs (including, among other things, production orders, bills or schedules of materials, purchase requisitions, purchase orders, vouchers, requisitions for materials, standing expense orders, inventories, labor time cards, payrolls, cost distribution sheets) pertinent to the determination of the true profit, excess profit or net loss from the performance of a contract or subcontract shall be kept at all times available for inspection by internal-revenue officers, and shall be carefully preserved and retained so long as the contents thereof may become material in the administration of the Act. This provision is not confined to books, records, and original evidences pertaining to items which may be considered to be a part of the cost of performing a contract or subcontract. It is applicable to all books, records, and original evidences of costs of each plant, branch or department involved in the performance of a contract or subcontract or in the allocation or distribution of costs to the contract or subcontract."

(This Treasury decision is prescribed pursuant to section 3 of the Act of March 27, 1934 (48 Stat. 505; 34 U. S. C. 496), as amended by the Act of June 25, 1936 (49 Stat. 1926; 34 U. S. C., Sup. IV, 496).)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved April 5, 1939.

JOHN W. HAINES,

Acting Secretary of the Treasury.

Approved April 24, 1939.

J. O. RICHARDSON,

Acting Secretary of the Navy.

[F. R. Doc. 39-1401; Filed, April 25, 1939;
12:29 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

WAR DEPARTMENT

CHAPTER II—RULES RELATING TO NAVIGABLE WATERS

PART 203—BRIDGE REGULATIONS¹

203.522 Cow Bayou, Texas; Orange County highway bridge near Orangefield. In accordance with the provisions of Section 5 of the River and Harbor Act approved August 18, 1894, the following special regulations are prescribed to govern the opening of the Orange

¹ These regulations are supplementary to Title 33, Chapter II, Part 203, of the Code of Federal Regulations.

County highway bridge across Cow Bayou near Orangefield, Texas:

(a) The owner of, or agency controlling, the bridge will not be required to keep a draw tender in constant attendance at the above-named bridge.

(b) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw, at least 6 hours' advance notice of the time the opening is required shall be given, by telephone or otherwise, to the agent of the Police Jury of Calcasieu Parish, at Lake Charles, Louisiana, or to a designated representative.

(c) Upon receipt of such notice, the authorized representative specified herein, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owner of, or agency controlling, the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge in a manner that it can easily be read at any time a copy of these regulations together with a notice stating exactly how the representative specified in paragraph (b) may be reached.

(e) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw opened and closed at least once every four months to make certain that the machinery is in proper order for satisfactory operation.

(f) These regulations shall take effect and be in force on and after April 15, 1939, and are supplemental to the "Rules and regulations to govern the operation of drawbridges crossing all navigable waterways of the United States discharging their waters into the Atlantic Ocean south of and including Chesapeake Bay and the Gulf of Mexico, excepting the Mississippi River and its tributaries." (Sec. 5, River and Harbor Act, Aug. 18, 1894, 28 Stat. 362; 33 U. S. C. 499) [Special regs., April 10, 1939 (E. D. 6371 (Orange County-Cow Bayou)-2/2)]

[SEAL]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 39-1389; Filed, April 25, 1939;
10:22 a. m.]

TITLE 43—PUBLIC LANDS BUREAU OF RECLAMATION

KLAMATH PROJECT, OREGON-CALIFORNIA
AMENDMENT OF FIRST FORM WITHDRAWAL
MARCH 24, 1939.

The SECRETARY OF THE INTERIOR.

SIR: By departmental order of February 25, 1939,¹ certain lands in Townships 39 and 40 South, Range 12 East, Willamette Meridian, Oregon, were included in

a first form withdrawal under the provisions of the act of June 17, 1902 (32 Stat., 388) in connection with the Klamath Project, Oregon-California.

The said order inadvertently described certain lands as being in Township 40 South, Range 12 East, instead of Township 40 South, Range 14 East, Willamette Meridian, Oregon, and it is recommended that the said order be amended accordingly.

Respectfully,

JOHN C. PAGE,
Commissioner.

The foregoing recommendation is hereby approved and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

HARRY SLATTERY,
Under Secretary of the Interior.

MARCH 31, 1939.

[F. R. Doc. 39-1390; Filed, April 25, 1939;
10:22 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bureau of Reclamation.

BOWMAN RESERVOIR SITE, NORTH DAKOTA

ADVERTISEMENT OF LANDS FOR LEASE

APRIL 15, 1939.

1. Sealed proposals will be received at the office of the Bureau of Reclamation, Washington, D. C., until 2 o'clock P. M., May 8, 1939, for the lease for grazing purposes of all or any tract or tracts of the land withdrawn for the Bowman Reservoir Site in North Dakota, as shown on the accompanying list.

2. The lands will be leased for the period ending December 31, 1939, the lessee having no option to renew. The bidder shall state in the proposal (a) the legal description of such subdivisions or tracts which he proposes to lease, (b) the area in acres, and (c) the rental price he proposes to pay. The bidder may make such stipulations as he may desire regarding combinations of tracts he is willing to accept. *Please use attached proposal blanks.*

3. Bids must be accompanied by payment in full. Funds so remitted by unsuccessful bidders will be returned on making of award. Remittance should be in the form of certified check, bank draft, or money order, drawn in favor of "Bureau of Reclamation." No bids will be considered at less than five cents per acre.

4. Those desiring to bid should first consult the attached copy of lease form 7-523-A-G,¹ which lease must be promptly executed by successful bidders before possession of land is given, and which

¹ Not filed with original document; copies may be obtained from the Bureau of Reclamation.

describes various rights reserved by the United States, and other details not herein enumerated, to which the lessee must agree.

5. Envelopes containing bids must be sealed, marked and addressed as follows:

Bid for lease of land, Bowman Reservoir Site, North Dakota, to be opened at 2 p. m., Eastern Standard Time, May 8, 1939.

R. B. WILLIAMS,
Acting Commissioner.

BOWMAN RESERVOIR SITE

NORTH DAKOTA

T. 129 N., R. 101 W., 5th Prin. Mer.:	Area in acres
Sec. 11—	
SW 1/4	160
W 1/2 SE 1/4	80
Sec. 13—	
SW 1/4 NW 1/4	40
SW 1/4	160
S 1/2 SE 1/4	80
Sec. 14—	
N 1/2	320
N 1/2 SW 1/4	80
SE 1/4 SW 1/4	40
SE 1/4	160
Sec. 15—	
S 1/2 NW 1/4	80
S 1/2 NE 1/4	80
N 1/2 SW 1/4	80
N 1/2 SE 1/4	80
Sec. 23—	
N 1/2 NE 1/4	80
SE 1/4 NE 1/4	40
NE 1/4 NW 1/4	40
SE 1/4 SW 1/4	40
SE 1/4	160
Sec. 24—All	640
Sec. 25—	
N 1/2 NW 1/4	80
SW 1/4 NW 1/4	40
NW 1/4 SW 1/4	40
Sec. 26—	
NE 1/4	160
NE 1/4 NW 1/4	40
S 1/2 NW 1/4	80
SE 1/4	160
Sec. 35—	
W 1/2 NE 1/4	80
S 1/2 NW 1/4	80
N 1/2 SW 1/4	80

Proposal for Lease of Lands

To the Bureau of Reclamation, Washington, D. C.:

Pursuant to the accompanying advertisement, and subject to all of the provisions thereof, the undersigned proposes to lease all the land described below, for the period ending December 31, 1939, at the rental named:

Legal description	Area in acres	Rental
Total		

Enclosed is _____
(Certified Check, Bank Draft or Money Order) for \$_____

(Bidder)

(P. O. Address)

(Date)

[F. R. Doc. 39-1391; Filed, April 25, 1939;
10:22 a. m.]

¹ 4 F. R. 1177 DI.

National Bituminous Coal Commission.

[Docket No. 12]

IN THE MATTER OF PRESCRIBING DUE AND REASONABLE MAXIMUM DISCOUNTS OR PRICE ALLOWANCES BY CODE MEMBERS TO "DISTRIBUTORS," AND ESTABLISHING RULES AND REGULATIONS FOR MAINTENANCE AND OBSERVANCE BY DISTRIBUTORS IN RESALE OF COAL, OF PRICES AND MARKETING RULES AND REGULATIONS TO BE ESTABLISHED; IN RE RULES AND REGULATIONS TO REQUIRE MAINTENANCE AND OBSERVANCE OF PRICES AND MARKETING RULES AND REGULATIONS BY "DISTRIBUTORS"

ORDER FOR AND NOTICE OF REARGUMENT AS TO THOSE PORTIONS OF THE ABOVE-ENTITLED MATTER RELATING TO DOCK OPERATORS WHO PURCHASE COAL FOR RESALE AND RESELL IT IN NOT LESS THAN CARGO OR RAILROAD CARLOAD LOTS, AND THE LAW APPLICABLE TO ALLOWANCE OF DISCOUNTS OR PRICE ALLOWANCES TO SUCH DOCK OPERATORS

The Commission, on the 24th day of March, 1939,¹ after Notice and Hearing, having made Findings of Fact and entered its Order, prescribing "Rules and Regulations for Registration of Distributors", pursuant to the provisions of Section 4, II, (h) of the Act, and

Petitions for rehearing and reargument having been filed, and the Commission, upon its own motion, having re-examined the evidence received at said hearing and the Findings of Fact and the said "Rules and Regulations", is desirous to hear further argument on that portion of the evidence relating to dock operators who purchase coal for resale and resell it in not less than cargo or railroad carload lots, and on the law applicable to the allowance of discounts or price allowances to such dock operators:

Now, therefore, Pursuant to the provisions of the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders and directs:

1. That Notice be, and the same is hereby given that the Commission will, on the 8th day of May, 1939, in its Hearing Room in the Walker Building, Washington, D. C., hear further argument by all interested parties, as hereinafter provided.

2. That said argument or arguments shall be confined, (a) to that portion of the evidence relating to dock operators and the law applicable to the allowance of discounts or price allowances to those dock operators who purchase coal for resale and resell it in not less than cargo or railroad carload lots, and (b) to the evidence relating to the proviso to the definition of "carload lot," with respect to the delivery of coal from such a dock operator's dock in vehicles other than railroad cars.

3. That upon the close of said argument or arguments, the Commission may

make such amendment or amendments to the definitions of "distributor" or "carload lot" as it deems proper in the premises.

4. That the Secretary of the Commission be and he is hereby directed to cause a copy of this Order and Notice to be published forthwith in the FEDERAL REGISTER; and to cause a copy hereof to be mailed to the Secretary of each District Board, to the Consumers' Counsel, to each code member, and to all parties who have entered their appearances in this proceeding.

By order of the Commission.

Dated this 24th day of April 1939.

[SEAL] F. WITCHER McCULLOUGH,
Secretary.

[F. R. Doc. 39-1398; Filed, April 25, 1939; 12:12 p. m.]

[General Docket No. 15]

IN THE MATTER OF THE ESTABLISHMENT OF MINIMUM PRICES AND MARKETING RULES AND REGULATIONS

IN RE MOTION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 8 TO CORRECT TRANSCRIPT OF PROCEEDINGS

Order

The Bituminous Coal Producers Board for District No. 8 having, on the 20th day of December, 1938, filed its motion moving the Commission to allow and make certain corrections in the official transcript of the hearing herein held pursuant to Order dated September 19, 1938,¹ for the reason that the official transcript failed, in such respects as set forth in said motion, to represent the actual proceedings of record, and

The Commission having duly considered said motion and having examined the official transcript in respect thereto, and being fully advised in the premises finds that the motion of the Bituminous Coal Producers Board for District No. 8 should be granted.

Now, therefore, It is ordered that the official transcript of the hearing in the matter of the proposal of prices for District No. 8 held in the Hearing Room of the Commission, Washington, D. C., commencing on the 28th day of October, 1938, and concluding on the 4th day of November, 1938, which transcript is now on file at the Office of the Secretary of the Commission, Washington, D. C., and contained in the docket of this proceeding, being General Docket No. 15, and indexed as Volumes 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29, be, and the same is hereby corrected in the following respects:

Page transcript	Line	Correction
2551	24-25	Change "considered" to "adopted"
2555	24	Change "to" to "of"
2558	25	Change "as to" to "in the"

¹ 3 F. R. 2281 DI.

Page transcript	Line	Correction
2564	4	Change "in control" to "controller"
2564	8	Change "experience" to "information"
2571	19	Change "Lenora" to "Kanawha"
2572	17	Change "marks" to "markets"
2611	23	Change "would be" to "were"
2612	5	Change "Malleis" to "Ellis"
2615-2616	25	Delete "ask this witness one when you put Mr. Neekamp on or one of your other experts." This statement was not made by Mr. Ansell to whom it is ascribed.
2626	8	Change the first "to" to a "and"
2638	19	Add "three" after "represents"
2650	23	Insert "There is some question that" following the word "that" and preceding the phrase "Red Parrot"
2671	10	Change "files" to "minds"
2688	19	Change "They" to "I may"
3069	11	Change figure "1" to "9"
3100	17	Change "noticed" to "notice"
3124	4	Change "gone to" to "done"
3139	15	Change "is" to "his"
3143	23	Change "Kenova" to "Kanawha"
3179	2	Change "Lagora" to "Glogora"
3179	20	Change "Lagora" to "Glogora"
3181	21	Change "Lagora" to "Glogora"
3181	24	Change "Lagora" to "Glogora"
3182	4	Change "Lagora" to "Glogora"
3182	10	Change "Lagora" to "Glogora"
3182	14	Change "Lagora" to "Glogora"
3187	8	Change "Lagora" to "Glogora"
3187	16	Change "Lagora" to "Glogora"
3295	2	Change "Lagora" to "Glogora"
3381	25	Change "Auburn" to "Allburn"
3394	6	Change "work" to "weight"
3431	12	Change "made" to "more proper"
3431	13	Change "to" to "were within"
3433	3	Add "only" after "data"
3468	16	Change "not" to precede "withdrawn"
3532	13	Change "mining company" to "mine"
3643	19	Change "Mont" to "Montcoal"
3643	25	Change "Mont" to "Montcoal"
3645	8	Change second "at" to "and"
3645	24	Change "Mark" to "Marsh"
3649	13	Change "Mont" to "Montcoal"
3658	21	Change "determined" to "accorded"
3680	14	Change "concrete" to "Pond Creek"
3748	6	Change "if" to "that"
3899-3900	24	Change "same" to "other"
3904	21-22	Change "produced a coal for" to "priced" A "coal at"
3944	6	Change "Herbert Rollins" to "Harlan-Wallins Bear"
3945	24	Change "Nutt" to "Naught"
3945	10	Change "in" to "and"
3946	1	Insert "free" to follow "ash" and delete "3."
3946	8	Insert "free" to follow "ash" and delete "3."
3946	17	Change "nut" to "Naught"
3946	20	Insert "free" to follow "ash" and delete "3."
3947	14	Change "nut" to "Naught"
3948	3	Change "nut" to "Naught"

Change designation of page following page 3078 and preceding page 3080 from "2999" to "3079".
Change designation of pages following page 2887 and preceding 2981, so that the same will be numbered consecutively from 2887 to 2981.

The Secretary of the Commission is hereby directed to cause a copy of this Order to be included in the docket containing the record of the proceedings in the matter of the proposal of minimum prices by District Board No. 8 in General Docket No. 15, and shall cause a copy of this Order to be mailed to the Secretary of District Board No. 8, and shall cause a copy hereof to be made available for inspection at the Office of the Secretary of the Commission, Washington, D. C., and at the office of each Statistical Bureau of the Commission.

By order of the Commission.

Dated this 24th day of April, 1939.

[SEAL] F. WITCHER McCULLOUGH,
Secretary.

[F. R. Doc. 39-1399; Filed, April 25, 1939; 12:12 p. m.]

¹ 4 F. R. 1343 DI.

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 22nd day of April, A. D. 1939.

[File No. 31-455]

IN THE MATTER OF THE MISSION OIL COMPANY

ORDER CONSENTING TO WITHDRAWAL UNDER PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 PURSUANT TO REQUEST OF APPLICANT

Upon the request of the applicant, the Commission consents to the withdrawal of the application of the above-named applicant, and to that effect

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-1397; Filed, April 25, 1939; 11:27 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of April, A. D. 1939.

[File No. 31-414]

IN THE MATTER OF NIAGARA HUDSON POWER CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 2 (a) (8) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on May 15, 1939, at 10:30 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause

shall be shown why such declaration shall become effective.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 9, 1939.

The matter concerned herewith is in regard to an application filed by Niagara Hudson Power Corporation pursuant to Section 2 (a) (8) of the Public Utility Holding Company Act of 1935, for an order declaring it not to be a subsidiary of The United Corporation, a registered holding company.

By the Commission:

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-1395; Filed, April 25, 1939; 11:27 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of April, A. D. 1939.

[File No. 2-3188]

IN THE MATTER OF SWEET'S STEEL COMPANY

ORDER FIXING EFFECTIVE DATE OF AMENDMENTS TO REGISTRATION STATEMENT AND DECLARING STATEMENT AMENDED IN ACCORDANCE WITH STOP ORDER

This matter coming on to be heard by the Commission upon the registration

statement filed by Sweet's Steel Company of Williamsport, Pennsylvania, on May 26, 1937, and upon amendments to said registration statement filed by said registrant on June 11 and 15, 1937, March 29, June 3 and 17, and December 10 and 20, 1938, and March 29 and April 17, 1939, and the Commission having duly considered the matter and now being fully advised in the premises

It is declared, That said registration statement has been amended in accordance with the Stop Order issued on February 24, 1939.¹

It is ordered, That said Stop Order shall cease to be effective,

It is further ordered, That the amendments filed March 29, June 3 and 17, and December 10 and 20, 1938, and March 29 and April 17, 1939, shall become effective on April 24, 1939.

Attention is directed to Rules 800 (b) and 970 of the General Rules and Regulations, relating, respectively, to the requirements for the filing of twenty copies of the actual prospectus used and statement of price at which securities were actually offered.

Attention shall be directed to the provisions of Section 23, Securities Act of 1933, which follow: "Neither the fact that the registration statement for a security has been filed or is in effect nor the fact that a stop order is not in effect with respect thereto shall be deemed a finding by the Commission that the registration statement is true and accurate on its face or that it does not contain an untrue statement of fact or omit to state a material fact, or be held to mean that the Commission has in any way passed upon the merits of, or given approval to, such security. It shall be unlawful to make, or cause to be made, to any prospective purchaser any representation contrary to the foregoing provisions of this section."

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-1396; Filed, April 25, 1939; 11:27 a. m.]

¹ 4 F. R. 1093 DI.